

State of California



Fair Political Practices Commission

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April 5, 1984

Vance Raye
Legal Affairs Secretary
Governor's Office
State Capitol
Sacramento, CA 95814

Re: Advice Letter No. A-84-077

Dear Vance:

This is to confirm my advice to you concerning the Governor's residence. You have informed me that a Foundation is purchasing a house for the use of this Governor and any future Governors who may want to use it. The funds for the purchase will come primarily from excess funds from the inaugural celebration. If, at some time in the future, the State does not need the house for its Governor (or any other similar purpose) the Foundation will donate the house to charity. The Foundation intends to furnish the house. It may raise additional funds for these furnishings. The furnishings will belong to the Foundation and will be made available on the same terms as the house; the Governor will not be able to take them with him when he leaves office.

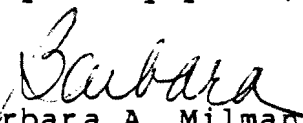
Under these circumstances, provision of the house and its furnishings to the Governor is a gift to the State, not a gift to the Governor, and does not have to be reported on the Governor's Statement of Economic Interests. The house is not unusually lavish or expensive for the Governor of California; it is, on the contrary, more modest than the type of residence ordinarily provided by the State for its Governor. Thus, rather than conferring an unusual benefit on the Governor, the Foundation is simply relieving the State of a financial burden it would otherwise incur. Once the State accepts the gift, the State will have control over the residence, not the Foundation. Finally, it is significant that use of the house is not limited to Governor Deukmejian and his family; it may be used for future Governors, at the discretion of the State.

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A person, or, as in this case, a foundation, may make gifts of tangible property to the State which are earmarked for a particular government building or use -- such as for a museum, for the State Capitol, for the Governor's residence, or for the University -- without meeting all the criteria in the Stone Opinion, No. 77-003, 3 FPPC Opinions 52 (1977).^{1/} However, the gift must benefit the State; the gift must not confer a significant or unusual benefit to any official; the donor must relinquish control of the gift to the State; and the gift must be formalized by a written agreement.

If you have any further questions concerning possible reporting requirements under the Political Reform Act in connection with this house or its furnishings, please do not hesitate to call.

Very truly yours,


Barbara A. Milman
General Counsel

BAM:plh

^{1/} The Stone Opinion deals with the type of gifts which are entirely used by the official within a limited period of time, such as airplane travel, tickets to events, hotel accommodations, or meals.